

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )

4 ) **CASE CLOSURES UNDER**  
5 ) **ENFORCEMENT PRIORITY SYSTEM**  
6 )  
7

8 **SENSITIVE**

9 **GENERAL COUNSEL'S REPORT**

10  
11 **I. INTRODUCTION**

12 The cases listed below have been evaluated under the Enforcement Priority System  
13 ("EPS") and identified as either low priority, stale, subject to the media exemption, or  
14 cases previously reviewed by the ADR Office. This report recommends that the Commission  
15 no longer pursue the cases cited in section II for the reasons discussed below.

16 **II. CASES RECOMMENDED FOR CLOSURE**

17 **A. Cases Not Warranting Further Action Relative to Other Cases**  
18 **Pending Before the Commission**  
19

20 EPS was created to identify pending cases that, due to the length of their pendency in  
21 inactive status or the lower priority of the issues raised in the matters relative to others  
22 presently pending before the Commission, do not warrant further expenditures of resources.  
23 Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-  
24 approved criteria that result in a numerical rating for each case.  
25

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1 We have identified six cases that do not warrant further action relative to other  
2 pending matters. This Office recommends that all six cases be closed.<sup>1</sup> Attachment 1 to this  
3 report contains a factual summary of each case recommended for closure, the case EPS  
4 rating, and the factors leading to the assignment of a low priority.

5 **B. Stale Cases**

6 Effective enforcement relies upon the timely pursuit of complaints and referrals to  
7 ensure compliance with the law. Investigations concerning activity more remote in time  
8 usually require a greater commitment of resources primarily because the evidence of such  
9 activity becomes more difficult to develop as it ages. Focusing investigative efforts on more  
10 recent and more significant activity also has a more positive effect on the electoral process  
11 and the regulated community. EPS provides us with the means to identify those cases that,  
12 though earning a higher numerical rating, remain unassigned for a significant period due to a  
13 lack of staff resources for an effective investigation. The utility of commencing an  
14 investigation declines as these types of cases age, until they reach a point when activation of  
15 such cases would not be an efficient use of the Commission's resources.

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17  
18 We have identified one case that has remained on the Central Enforcement Docket for  
19 a sufficient period of time to render it stale. This Office recommends that it be closed.<sup>2</sup>

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<sup>1</sup> The cases recommended for closure are: P-MUR 409 (*Boone National Bank*); MUR 5273 (*Rocky Flash for U.S. Congress*); MUR 5282 (*Meehan for Congress*); MUR 5302 (*Friends of Irvin*);  
and MUR 5313 (*MI Democratic State Cntrl Cmte*). The ADR Office previously reviewed MURs 5273, 5282, 5302, and 5313 for potential inclusion in the ADR program, but decided to return them to this Office.

<sup>2</sup> The case recommended for closure is MUR 5252 (*Taxpayers for Better Government*).

Attachment 2 to this report contains a summary and the EPS rating for the stale case recommended for closure.

**C. Cases Returned to Enforcement**

The ADR Office previously reviewed cases for potential inclusion in the ADR program, but decided to return them to this Office prior to the initiation of the new ADR procedures for recommended case closures.<sup>3</sup> Attachment 3 to this report contains a summary and the EPS rating

**III. RECOMMENDATIONS**

OGC recommends that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the date the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

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<sup>3</sup> The two cases recommended for closure are MUR 5286 (*Porter for Congress*)

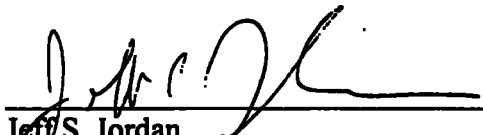
Take no action, close the file effective two weeks from the date of the Commission  
vote, and approve the appropriate letters in:

1. P-MUR 409
2. MUR 5252
- 3.
4. MUR 5273
5. MUR 5282
6. MUR 5286
- 7.
8. MUR 5302
- 9.
10. MUR 5313

Lawrence H. Norton  
General Counsel

7/24/03  
Date

BY:   
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5 **MUR 5273**  
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7 **Complainant:** Susan A. Holtsclaw  
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9 **Respondents:** Rocky Flash for US Congress  
10 Rocky A. Flash  
11

12 **Allegations:** Susan A. Holtsclaw alleged that Rocky A. Flash falsely listed her as the  
13 treasurer of his committee, Rocky Flash for US Congress, on reports filed with the  
14 Commission. She also stated that she had never been the treasurer for his committee and  
15 requested that her name be removed from any and all records at the Commission.  
16

17 **Responses:** Rocky Flash and Rocky Flash for US Congress responded by stating that  
18 Ms. Holtsclaw did sign the Statement of Organization and attended a seminar conducted  
19 by the Federal Election Commission.  
20

21 This case was temporarily transferred to the ADR Office on December 26, 2002,  
22 and returned on December 27, 2002, as inappropriate for ADR.  
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24 This matter is less significant relative to other matters pending before the  
25 Commission.  
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